

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**DANNY R. CAMPBELL,** )  
Petitioner, )  
v. )  
**CARL BEAR, Warden,** )  
Respondent. )  
CASE NO. 20-16-R

## ORDER

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Suzanne Mitchell for preliminary review. On April 21, 2020, Judge Mitchell issued a Report and Recommendation wherein she recommended the petition be dismissed as second or successive. The record reflects an objection dated April 30, 2020, and from the contents thereof, it does not appear to be directed to the Report and Recommendation; however, because Petitioner filed no other timely objection nor sought additional time in which to object, the Court will construe consider the April 30, 2020 document as an objection and apply the *de novo* standard of review.

As noted by Judge Mitchell in the Report and Recommendation, Mr. Campbell has made numerous attempts to challenge his conviction in *State v. Campbell*, Case No. CF-1978-2706. See *Campbell v. Cowley*, CIV-92-2413-T (granting motion to dismiss petition as successive and abuse of the writ); *Campbell v. Bear*, Case No. CIV-16-526-R (Doc. No.11)(dismissing petition under 28 U.S.C. § 2254(b)(3)(A) as successive); *Campbell v.*

*Bear*, Case No. CIV-16-530-R (Doc. No. 8)(dismissing petition under 28 U.S.C. § 2254(b)(3)(A) as successive); *Campbell v. Bear*, No. CIV-17-219-R, 2017 WL 1403304 (W.D. Okla. Apr. 19, 2017).<sup>1</sup> Judge Mitchell concludes in the Report and Recommendation that this case is also successive, which leaves the Court without jurisdiction to consider the merits of Petitioner's claims, because he has not obtained leave to file the petitions from the United States Court of Appeals for the Tenth Circuit. She further recommended that the Court dismiss the petition rather than transferring it to the appellate court and noted the likelihood that the petition was untimely.

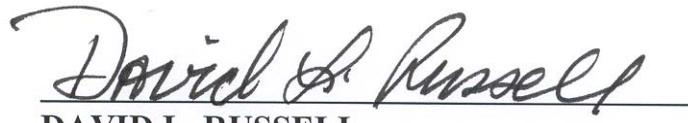
In his objection, in keeping with his history, Petitioner includes on the pages of his objection various equations using numbers and letters that render the document nearly illegible and difficult to construe. To the extent the Court is able to decipher the contents thereof, Petitioner appears to be complaining about filing fees, not about the recommendation that his petition be dismissed as successive. The Court's efforts reveal no basis in the objection for rejection of the Report and Recommendation and its conclusion that this Court lacks jurisdiction over the petition filed herein. To the extent the Petition could be interpreted as raising claims regarding Mr. Campbell's conditions of confinement, the Court declines now, as it has in the past, to convert the claims because Mr. Campbell has not utilized the proper form nor paid the appropriate filing fee.

For the reasons set forth herein, the Report and Recommendation (Doc. No. 14) is hereby **ADOPTED** and this action is dismissed for lack of jurisdiction.

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<sup>1</sup> In 2017, Mr. Campbell filed five cases challenging his conviction which were dismissed in identical orders.

**IT IS SO ORDERED** this 19<sup>th</sup> day of May 2020.

  
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE